IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 16TH OCTOBER 2006 / 24TH ASWINA 1928

Bail Appl..No. 5974 of 2006

AGAINST THE ORDER DATED 27/09/2006 IN CMP 6884/06 IN CC.240/2001 of J.M.F.C.-I,NEYYATINKARA
CRIME NO.224/2000 OF NEYYATINKARA POLICE STATION

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PETITIONER/2ND ACCUSED

VISWASAM, S/O.DEVASAHAYAM,
AGED 45 YEARS, DOOR NO.61, PECHIYAMMAN
PADITHURA ROAD, MADURAI DISTRICT,
TAMIL NADU.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.DILEEP P.PILLAI
SRI.RENJITH B.MARAR

RESPONDENTS:

STATE OF KERALA, REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5974/2006

DATED THIS THE 16TH DAY OF OCTOBER, 2006

O R D E R

The petitioner is accused of the offence punishable under Sections 379 and 411 IPC read with Section 34 IPC, in crime No.219/2000 of Kollam West Police Station. The same had, later on, been transferred to Neyyattinkara Police Station, where the crime had been re-registered as 224/2000 of that police station. On completion of investigation, the final report was filed before the local Magistrate Court, where the same is now pending as C.C.No.240/2001. The accused was not available before it. Therefore, Judicial Magistrate of First Class-I, Neyyattinkara, initiated sections 81 and 82 Cr.P.C steps, against the petitioner.

2. The learned counsel for the petitioner submits, on production, the accused was granted bail by the Judicial Magistrate of First Class-II, Kollam. However, the said order was not accepted and the prayer for bail

was rejected by the Court below. Hence, the petitioner came before this Court preferring an application for bail.

3. When the application was pending, it is submitted by the learned counsel Mr.S.Ajithkumar, that the Lower Court, suo motu, on going through the facts of the case, found that the petitioner was on bail before the Kollam Court, and therefore, granted bail to the petitioner.

4. In such circumstances, the learned counsel prayed that this application may allowed to be withdrawn.

5. The petitioner had surrendered on 27.9.2006. The prosecution submits that there are number of cases registered against the petitioner for similar offence. The counsel for the petitioner submits that in all other cases, the petitioner had been acquitted. However, further submission of the counsel is that there was no notice for the petitioner regarding the transfer of the case and taking the same on the file of the Judicial Magistrate of First Class-I, Neyyattinkara.

6. In view of the above facts situation, I allow the petitioner to withdraw the application.

Hence, the application is dismissed as withdrawn.

J.M.JAMES
JUDGE

mrcs